



Kevin Murray
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SB 97 (Murray) **Spam Penalties Measure**

ISSUE:

Last session, SB 186 banned the sending of Spam in California. At the time, it was the strongest anti-spam legislation in the country: a complete ban, with penalties of \$1,000 per email or up to \$1 million per incident.

Within months of passage, SB 186 was mostly preempted by a much weaker federal law. While the federal measure preempted California's complete prohibition of spam, it did not preempt the private right-of-action consumers and ISPs have against those who send spam with falsified or misleading information. SB 1457 clarified that it is illegal to send spam with falsified or misleading information.

SOLUTION:

This bill would increase the penalties for those who violate California's anti-spam law by making it a crime punishable as either a misdemeanor or a felony with additional penalties up to \$2,500. Other states with criminal spam statutes have successfully brought criminal charges against spammers. These prosecutions have been shown to have a deterrent effect on fraudulent spam.

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